

COUNCIL FOR THE CITY OF SCRANTON

HELD:

Tuesday, January 26th, 2021

LOCATION:

VIA ZOOM

Maria McCool, RPR

Official Court Reporter

C O U N C I L M E M B E R S :

WILLIAM GAUGHAN, PRESIDENT

KYLE DONAHUE, VICE PRESIDENT

MARK MCANDREW

JESSICA ROTHCHILD

THOMAS SCHUSTER

LORI REED, CITY CLERK

KATHY CARRERA, ASSISTANT CITY CLERK

KEVIN HAYES, COUNCIL SOLICITOR

(Pledge of Allegiance.)

MR. GAUGHAN: Please remain standing for a moment of silent reflection for our service men and women throughout the world and also for those who have passed away in our community.

Let us also take a moment of silence once again tonight for all of the people in our community, in our country and around the world who have passed away and who are suffering from the coronavirus. This pandemic has turned our world completely upsidedown. But we must remain hopeful and strong.

We continue to pray for the doctors, the nurses, the researchers and all medical professionals who seek to heal and help those affected and who put themselves at risk in the process. May they have protection and peace.

Whether we are home or abroad, surrounded by many people suffering from this illness or only a few, let us stick together, endure together, mourn together and in place of our anxiety, let us have hope and peace. Thank you. Roll call, please, Miss Carrera? Roll

1 call, please?

2 MR. DONAHUE: It says she's
3 connecting to audio.

4 MS. REED: Would you like me to call
5 roll, Bill?

6 MS. CARRERA: No, I'm sorry, Lori.
7 I'm here. Mr. Schuster.

8 MR. SCHUSTER: Present.

9 MS. CARRERA: Mr. McAndrew.

10 MR. MCANDREW: Present.

11 MS. CARRERA: Dr. Rothchild.

12 DR. ROTHCHILD: Here.

13 MS. CARRERA: Mr. Donahue.

14 MR. DONAHUE: Here.

15 MS. CARRERA: Mr. Gaughan.

16 MR. GAUGHAN: Here. Thank you.

17 There will be a motion to move Item 5-D to
18 Seventh Order for a final vote based on the
19 attached emergency certificate. There's also
20 going to be a motion to table Item 5-B, a
21 zoning ordinance amendment until such time as
22 the City and County Planning Commissions have
23 reviewed and commented.

24 Mrs. Reed, if you would please
25 dispense with the reading of the minutes?

1 MS. REED: Thank you. THIRD ORDER.

2 3-A. MINUTES OF THE NON-UNIFORM
3 MUNICIPAL PENSION BOARD MEETING HELD
4 DECEMBER 16, 2020.

5 3-B. AGENDA FOR THE NON-UNIFORM
6 MUNICIPAL PENSION BOARD MEETING HELD JANUARY
7 20, 2021.

8 3-C. MINUTES OF THE COMPOSITE
9 PENSION BOARD MEETING HELD DECEMBER 16, 2020.

10 3-D. CORRESPONDENCE RECEIVED FROM
11 OFFICE OF THE MAYOR DATED JANUARY 15, 2021
12 ASKING PENNSYLVANIA LAWMAKERS FOR A WEAPONS BAN
13 AT GOVERNMENT BUILDINGS.

14 3-E. CHECK RECEIVED FROM LACKAWANNA
15 COUNTY IN THE AMOUNT OF \$251,819.97 DATED
16 JANUARY 22, 2021 REGARDING COVID-19 RELIEF
17 BLOCK GRANT REIMBURSEMENT.

18 3-F. CORRESPONDENCE RECEIVED FROM
19 KOHANSKI COMPANY PC DATED JANUARY 22, 2021
20 REGARDING CITY OF SCRANTON AUDIT.

21 MR. GAUGHAN: Thank you. Are there
22 any comments on any of the Third Order items?

23 MR. DONAHUE: My only brief comment
24 is about the audit correspondence we received.
25 And they are still waiting for the Gatsby{sic}

1 75 report to finalize the audit. But one of
2 the requests I'd like to send along to
3 administration, Mrs. Reed, if maybe we could
4 send it to the Business Administrator to see if
5 the fact that this year -- that the 2019 audit
6 hasn't been completed yet if that's affecting
7 the work that's starting -- that should be
8 starting for the 2020 audit so that we're not
9 in the same position a year from now.

10 MR. GAUGHAN: Thank you. Any other
11 comments on Third Order items? If not,
12 received and filed. Do any Council members
13 have any announcements at this time? Okay.
14 Mrs. Reed?

15 MS. REED: FOURTH ORDER. CITIZENS
16 PARTICIPATION.

17 MR. GAUGHAN: At this time would
18 someone please make a motion to accept public
19 comment from the following individuals: Jimmy
20 Sotack, Trudy Abda, Craig Beavers, Fay Franus
21 and Marie Schumacher.

22 MR. DONAHUE: I make the motion to
23 accept public comment.

24 MR. SCHUSTER: Second.

25 MR. GAUGHAN: There's been a motion

1 and a second to accept public comment. Mrs.
2 Reed, would you please read the comments?

3 MS. REED: Thank you. The first
4 submission is from Jimmy Sotack as follows:

5 I appreciate all of the city council
6 members dedication to service in our city.
7 However, I do have a problem with the
8 Oakland/Scranton flag that is apparently being
9 flown outside of city hall.

10 The flag needs to be taken down. City
11 hall is supposed to represent all residents of
12 the city. Not everyone is in favor of the
13 Biden/Harris administration. This
14 is the equivalent of flying the LGBTQ flag full
15 time. It simply has no place speaking for
16 everyone. I look forward to hearing back from
17 you. Respectfully, Jimmy Sotack.

18 .

19 MS. REED: The second submission is
20 from Trudy Abda as follows:

21 Please we need vaccination sites .
22 If we want to help ourselves and get our
23 numbers down and this VIRUS UNDER CONTROL and
24 residents safe, we need vaccinations and
25 vaccination sites. No one can get through

1 anywhere on online lines or if you submit forms
2 you are told there are no appointments being
3 taken due to huge demand and no product.
4 Scranton needs a plan. Please Please get us
5 vaccines and sites we can go to.

6
7 MS. REED: The third submission is
8 from Mr. Craig Beavers as follows:

9 I fully support the renaming of a
10 city street in honor of President Joe Biden.
11 Being the childhood hometown of a sitting U.S.
12 President is a great honor for Scranton, and we
13 should certainly acknowledge and celebrate this
14 achievement.

15 One potential street that was
16 mentioned was Wyoming Avenue. However, I think
17 a different street should be chosen. As
18 Frederick Hitchcock writes in his "History of
19 Scranton and Its People," this street is a
20 compliment to Lackawanna Avenue.

21 These two roadways are named to
22 reflect our greater geographic and cultural
23 regions, the Lackawanna Valley and the Wyoming
24 Valley. These two avenues are also two of the
25 largest in our city, purposefully symbolic, as

1 it is an important reflection of our region.

2 Changing this name, I believe would
3 be a sad loss of a historical nod from our
4 founding Scrantonians and city planners. I
5 think there are other notable roadways that
6 could be good candidates for renaming. Mulberry
7 Street, for instance, is a major roadway in our
8 city, connecting Nay Aug Park, Geisinger
9 hospital, the University of Scranton, Center
10 City, and the North Scranton Expressway.

11 As one of the first streets one
12 enters when coming to Scranton, Mulberry
13 Street, renamed Biden Boulevard perhaps, could
14 still be easily noticed. I hope that both
15 Council and the soon-to-be formed committee
16 will take this into consideration when choosing
17 a street to be renamed after President Biden.

18
19 MS. REED: The fourth submission is
20 from Fay Franus as follows:

21 I am quoting Kasie Hunt from MSNBC
22 as this applies to all governments:

23 "Our government is only as good as
24 the people who are willing to come here and
25 serve us in it.

1 And if we create an atmosphere where
2 good people no longer want to be here serving
3 us we are the ones that are going to suffer."

4 So I say to you Scranton City
5 Council members sad to say but you are the ones
6 who do NOT serve the people and yes indeed we
7 are suffering from your actions or lack
8 thereof.

9 Your latest idea reeks of self
10 service surely not public service. You want to
11 name a street with over 10 blocks of
12 residential homes and over 60 businesses on
13 Wyoming Avenue after President Biden. You say
14 you want to honor him. You already named the
15 block he lived on after him, now you want to
16 rename Wyoming Avenue Joseph R Biden
17 OUTRAGEOUS!

18 Scranton Prep Burne Cadillac Wendys
19 Jack William Tires Scranton Primary Care, Red
20 Top, Smertz tire Enterprise Rental Kelly Mazda
21 are just a few of the over 60 businesses on
22 Wyoming Avenue to say nothing of the homes in
23 Green ridge that would be affected Imagine the
24 enormous undertaking to get this achieved.

25 Perhaps you have come to your senses

1 and decided it would not be wise to choose
2 Wyoming Avenue as Joseph R Biden Blvd or any
3 street for that matter.

4 Whatever street you may decide upon
5 keep in mind every business and resident on
6 that street will have to change their
7 letterheads business cards billing brochures to
8 say nothing of contacting every single person
9 they do business with. Residents do business on
10 line they would have to contact their credit
11 card company and all the places they but things
12 from, as well as anyone that writes to them in
13 their family.

14 This would also be a huge expense
15 for everyone involved in changing their address
16 and a massive inconvenience. How is this
17 serving the citizens and businesses of Scranton
18 the very people YOU are suppose to be looking
19 out for?

20 Have you even considered the cost to
21 the taxpayers? Of course you don't know that
22 yet because you have not formed your committee
23 yet. A committee you are selecting. Which only
24 leads one to believe this is a done deal. The
25 taxpayers will want to know every penny spent

1 on this foolish idea of this council.

2 Do you even care about how the
3 people affected by this feel--perhaps
4 Republicans? Sure there will have to be a
5 public hearing. I have been addressing council
6 at public hearings for over a decade and not
7 once did anything I said or anyone else said
8 during a public hearing mattered to you. It is
9 simply a formality! Then yiou always do what
10 YOU want not the people.

11 Keep in mind this is an election
12 year. Good luck to any of you on council or any
13 other office up for election who has a hand in
14 naming a street after Joe Biden.I'm sure the
15 citizens will not look kindly on you and
16 others.

17 I have to ask what are the pros for
18 doing this? I can list many many many
19 negatives. Other than honoring Joe Biden and
20 possibly furthering your own political careers
21 what are the great benefits to the city of
22 Scranton that will cost everyone money
23 especially the people and businesses who work
24 and live on the streets you may decide to name
25 after Joe Biden?

1 I voted for Joe Biden but I also
2 have to ask what has Joe Biden ever done for
3 Scranton in all his years serving the country?
4 Nothing that I am aware of. He has only come
5 here when he was running for office to get
6 votes. That's all.

7 You should be concentrating on
8 getting a contract for a collection agency to
9 go after late fees. We have not had a contract
10 in place since January 1st. A month's worth of
11 money already lost to the city for your lack of
12 action on this. Now I believe it has to go
13 back out to bid. How about storm water? Nope
14 you are more interested in taking care of Joe
15 Biden and not the residents who pay your
16 salary.

17 If you can't take care of the
18 residents of Scranton maybe you should seek
19 another profession. We need people to work for
20 us not themselves.

21
22 MS. REED: And the final and fifth
23 submission is from Marie Schumacher as follows:

24 O Unless you know something we
25 don't know I don't know what the big rush is to

1 "honor" the Chief Executive. As my
2 letter-to-the-Editor published today implies,
3 you don't really care about the people of the
4 City. You want what you want without
5 considering the woe this would impose on the
6 businesses and residents of Wyoming Avenue.
7 Just thinking of notifying all friends of the
8 address change would impose an unwanted cost
9 and this would take much more effort that
10 couldn't be ignored (even the post office will
11 only forward mail for a small amount of time).

12 Also, Mr. Gaughan could have taken
13 the time to call the Historical Society and
14 inquire why Wyoming is used so much in
15 NorthEast Pennsylvania. The Battle of Wyoming
16 Valley is also known as the Wyoming Massacre
17 was, and is and always would be, a part of the
18 Revolutionary War. A major piece of our
19 history and importance to all citizens, not
20 merely the chosen few.

21 The Chief Executive is still living
22 and there is plenty of time to come up with a
23 change other than changing the name of Wyoming
24 Avenue unless you are going to put a new street
25 sign up in the City every month to "honor" him.

1 Heck, you can even honor someone after they
2 pass away.

3
4 (Concludes public comment letters as
5 submitted to Council.)
6

7 MS. REED: And that concludes the
8 CITIZENS PARTICIPATION. Thank you.

9 MR. GAUGHAN: Thank you, Mrs. Reed.
10 On the question? On the question, a couple
11 things that I want to say. First of all, you
12 know, Mrs. Franus and Miss Schumacher should
13 pay closer attention to the meetings because
14 last week when I brought this up I stated very
15 clearly in the motion that I made that we would
16 form a committee to discuss and explore the
17 idea.

18 So I don't know how they missed that
19 since they follow these meetings very closely.
20 But I did state that very clearly. As far as
21 the Historical Society and including them,
22 that's why you form a committee. That's why I
23 brought that up last week.

24 So again, you know, I think they
25 should pay a little bit closer attention. And

1 the letter to the editor today was mostly false
2 what was written in the letter to the editor
3 because I did see that. So that's number one.

4 Number two, Miss Franus said -- had
5 written about the why don't we concentrate on
6 the delinquent refuse collector. Again, should
7 pay closer attention. We did focus on that.
8 We did send it to the administration our
9 changes looking out for the taxpayers of the
10 City. And we didn't get anything back yet.

11 So the ball is in the court of the
12 Mayor and the administration. And we're
13 looking forward to that legislation and voting
14 on that. Stormwater again, pay closer
15 attention. We had the stormwater management or
16 the stormwater -- the company that was working
17 with the City on stormwater management into a
18 caucus.

19 I think it was about 45 minutes
20 explaining detail by detail on what's going on
21 with stormwater management in the City. Again,
22 the ball is in the court there of the
23 administration and City officials. But I took
24 it upon myself and Council took it upon
25 themselves to make sure that the people were

1 informed of those changes and of what's going
2 on with stormwater management. So those are
3 just two points there.

4 As for the other resident who asked
5 about by vaccines, the local governments really
6 don't have any control over vaccine
7 distribution at this point. It's the state and
8 the federal government. So any questions
9 related to that really should be geared towards
10 the State Department of Health or the federal
11 government.

12 Anyone else have anything on the
13 question? All those in favor signify by saying
14 aye.

15 MR. SCHUSTER: Aye.

16 MR. MCANDREW: Aye.

17 MR. DONAHUE: Aye.

18 DR. ROTHCHILD: Aye.

19 MR. GAUGHAN: Aye. Opposed? The
20 ayes have it and so moved.

21 MS. REED: FIFTH ORDER. 5-A.

22 MOTIONS.

23 MR. GAUGHAN: Councilman Schuster,
24 do you have any motions or comments at this
25 time?

1 MR. SCHUSTER: Nothing at this time
2 other than I was happy to see that a lot of
3 citizens had written in and given suggestions
4 about the Wyoming Avenue issue, so happy to see
5 that.

6 MR. GAUGHAN: Councilman McAndrew,
7 any motions or comments at this time? You're
8 muted, Mark.

9 MR. MCANDREW: Nothing at this time.
10 Thank you, Mr. Gaughan.

11 MR. GAUGHAN: Thank you. Dr.
12 Rothchild, any motions or comments at this
13 time?

14 DR. ROTHCHILD: No. I think I'm
15 good. Thank you.

16 MR. GAUGHAN: Okay. Thank you. And
17 Councilman Donahue, any motions or comments?

18 MR. DONAHUE: I just want to say
19 briefly I was happy to see that the City's
20 website -- new website was launched this week.
21 It's a lot, a lot, a lot cleaner than the
22 previous one. You know, it's still not
23 finished yet. But it's a start. So I was
24 happy to see that.

25 MR. GAUGHAN: Thank you, Councilman

1 Donahue. I have a few things that I want to
2 bring up. Number one, as I mentioned during
3 the caucus but just to get it on the record, we
4 do have an opening on the City's Ethics Board.
5 We did get one person to submit a letter of
6 interest and a resume.

7 We're going to leave it open until
8 this Friday. So if anyone is still interested
9 and they would like to be considered by
10 Council, please submit your letter of interest
11 and resume to Lori Reed our City Clerk at
12 Lreed@scrantonpa.gov or you can send it by
13 mail, 340 North Washington Avenue, Second
14 Floor, City Clerk's Office, attention Lori Reed
15 our City Clerk.

16 And then next week hopefully we'll
17 be able to make a decision on the next Ethics
18 Board appointment.

19 Also, I mentioned in caucus we did
20 receive an update on the audit that was taking
21 place by the administration of City employees
22 who had delinquent refuse fees, real estate
23 tax, other things like that. The Business
24 Administrator, Carl Deeley reported that there
25 are 33 accounts from City employee which are

1 delinquent and the total comes to about \$90,000
2 according to the Business Administrator.

3 And we're still waiting for an
4 update on the audit that was going to be on
5 done on the residency requirements for City
6 employees.

7 The last thing I want to mention is
8 the Third Avenue issue. So I want to read this
9 into the record because the residents took the
10 time to write it and get a bunch of different
11 signatures here. So this is from the residents
12 of Third Avenue.

13 Dear members of -- January 12th,
14 2021, Dear Members of Scranton City Council, we
15 are residents of Third Avenue in Scranton,
16 Pennsylvania. We are writing regarding the
17 nonstop truck traffic that passes through Third
18 Avenue on a daily basis.

19 We've been calling City offices
20 since the summer of 2020 and have spoken to the
21 Mayor's office and City Council but so far
22 nothing has been done. By our estimate we
23 experience a minimum of 144 truck passes per
24 day.

25 On a daily basis we must endure the

1 noise level of these trucks which is bad enough
2 on its own. But this noise is also coupled
3 with the fact that we cannot hear our devices
4 unless we turn the volume up to a very high
5 level.

6 Imagine the decibel level in our
7 homes and the impact it is having on our
8 hearing and children's hearing. Would you want
9 your own children to live like this? Another
10 concern is that we are unable to have our doors
11 and windows open in the spring and summer.

12 We must live without the benefit of
13 fresh air until early evening because in
14 addition to the noise level, we must also
15 contend with the exhaust fumes that come into
16 our homes. Surely this is not good for the
17 health of any human being.

18 Again, would this quality of life be
19 good enough for your families? Beyond health
20 and quality of life issues, these trucks
21 produce a rumbling effect which may eventually
22 damage our homes and properties. Will the City
23 compensate us for any damages caused? Probably
24 not.

25 As tax paying citizens of the City

1 of Scranton, we are asking our City Council to
2 do something to stop the constant truck traffic
3 that is damaging the quality of lives, our
4 health, hearing and properties. We are not
5 asking for any special consideration that other
6 taxpayers in the City aren't getting.

7 We simply want the same quality of
8 life as the other residents of Scranton enjoy.
9 When we bought or began renting our homes,
10 Third Avenue was a quiet peaceful street. Now
11 we seem to live in an industrial park.
12 Something must be done.

13 There are alternate more commercial
14 routes that these trucks can take instead of
15 driving through and disturbing the peace of a
16 residential area. Sincerely, the residents of
17 Third Avenue.

18 As I mentioned during the caucus, I
19 worked closely with the residents of Third
20 Avenue months and months ago to try to address
21 this problem. So we did take certain measures
22 to try to ease the issue.

23 Obviously it had not solved it. And
24 as I was explaining earlier, the problem --
25 the ultimate solution is the Elm Street bridge

1 is replaced. Unfortunately, for all of us and
2 the residents of Third Avenue, that it won't
3 happen for the next two to four years. I'm
4 just estimating in my conversations with the
5 City engineer previously when we talked about
6 the condition of the bridges throughout the
7 City of Scranton which are not in the best of
8 shape.

9 So that's the ultimate solution.
10 Other than that, we're going to have to get
11 together again with City officials to see if we
12 can come up with any sort of plan or idea that
13 can eliminate some of the issues here. As I
14 mentioned, we did pass legislation that
15 eliminated or prohibited Jake brakes or brake
16 retarders on Third Avenue because that was a
17 cause of a lot of noise.

18 So we passed that I believe back in
19 the summer before we went on the August recess.
20 And those signs did go up shortly thereafter.
21 But obviously there are still issues. So I do
22 plan on reaching out to the one gentleman. He
23 actually did call me the other day.

24 And I have to get back to him about
25 the issues there. So we'll keep everybody

1 updated on that.

2 As for the -- just to mention this
3 briefly, we're going to talk about it next week
4 anyways. But as for the, you know, the idea to
5 form a committee to explore the feasibility of
6 renaming Wyoming Avenue after President Biden
7 or another prominent roadway; again, I
8 mentioned very clearly last week I'm not sure
9 how some people missed it that this would be a
10 committee to explore the feasibility.

11 I completely understand that there
12 are going to be businesses and residents
13 affected if the City were to make this change,
14 which again, that's why we form the committee.
15 But we wanted to take a look at what steps you
16 have to take, how you deal with post office and
17 what that process looks like.

18 So that will occur when the
19 committee is formed. And we'll take that up
20 and discuss it further next week. But just so
21 we're all on same page here that we're forming
22 a committee. No one changed any names of any
23 streets. We're trying to do a good thing here
24 to honor the President who is from the City of
25 Scranton which we all know and has really --

1 it's benefitted the City because all the eyes
2 of the nation and the world have been on
3 Scranton. And it's a tremendously positive
4 thing for the City. And that is all I have.
5 Mrs. Reed?

6 MS. REED: Thank you. 5-B.

7 FOR INTRODUCTION - AN ORDINANCE -
8 AMENDING SECTION 709.G OF THE CITY OF SCRANTON
9 ZONING ORDINANCE PROHIBITING SIGNS OR DISPLAYS
10 THAT INCLUDE WORDS OR IMAGES THAT ARE OBSCENE,
11 PORNOGRAPHIC, OR THAT AN AVERAGE REASONABLE
12 PERSON WOULD FIND HIGHLY OFFENSIVE TO PUBLIC
13 DECENCY.

14 MR. GAUGHAN: At this time I'll
15 entertain a motion that Item 5-B be introduced
16 into it's proper committee.

17 MR. DONAHUE: So moved.

18 DR. ROTHCHILD: Second.

19 MR. GAUGHAN: On the question? On
20 the question, Solicitor Hayes had given us an
21 explanation in the caucus of 5-B and 5-E. I
22 think this comes down -- I think this is a
23 no-brainer for me just in terms of if we
24 were -- if we didn't approve this settlement
25 agreement and we didn't approve the zoning

1 change.

2 We're looking at a lawsuit and legal
3 exposure probably in the hundreds of thousands
4 of dollars. That's number one. Number two, as
5 Solicitor O'Brien had indicated in his opinion
6 which goes point by point on why the City
7 should do this and should settle this,
8 Lackawanna County was involved as he indicated
9 with the ACLU not too long ago and was exposed
10 almost half a million dollars in terms of legal
11 fees that they had pay out.

12 So they weren't going to win that.
13 And according to what I'm reading here and what
14 Kevin, our Solicitor, Kevin Hayes had just
15 explained in the caucus, we would be exposed.
16 So we don't want to waste taxpayer dollars. So
17 that's the approach that, you know, I'm taking
18 and that's why I'll be voting for both the
19 zoning ordinance being amended and the
20 settlement agreement.

21 Anyone else on the question? All
22 those in favor signify by saying aye.

23 MR. SCHUSTER: Aye.

24 MR. MCANDREW: Aye.

25 MR. DONAHUE: Aye.

1 DR. ROTHCHILD: Aye.

2 MR. GAUGHAN: Aye. Opposed? The
3 ayes have it and so moved. And I think, Kyle,
4 you have to make a motion to table.

5 MR. DONAHUE: I make a motion to
6 table Item 5-B.

7 MR. GAUGHAN: Is there a second?

8 DR. ROTHCHILD: Second.

9 MR. GAUGHAN: There's a motion on
10 the floor and a second to table Item 5-B. As I
11 mentioned previously, this piece of legislation
12 is being tabled pursuant to the Pennsylvania
13 Municipality's Planning Code until such time
14 that the City and County Planning Commissions
15 have performed their reviews and provided
16 recommendations.

17 City Council will schedule a public
18 hearing following the 30-day review period of
19 the City and county. On the question? All
20 those in favor signify by saying aye.

21 MR. SCHUSTER: Aye.

22 MR. MCANDREW: Aye.

23 MR. DONAHUE: Aye.

24 DR. ROTHCHILD: Aye.

25 MR. GAUGHAN: Aye. Opposed? The

1 ayes have it and so moved.

2 MS. REED: 5-C. FOR INTRODUCTION -
3 AN ORDINANCE - AMENDING FILE OF THE COUNCIL
4 NO. 78, 2019, AN ORDINANCE (AS AMENDED)
5 ENTITLED "GENERAL CITY OPERATING BUDGET 2020"
6 BY TRANSFERRING \$13,591.25 FROM ACCOUNT
7 NO. 01.401.13090.4299 NON-DEPARTMENTAL
8 EXPENDITURES CONTINGENCY TO ACCOUNT NUMBER
9 01.011.0078.4201 TO PROVIDE FUNDING FOR
10 PAYMENT OF FIRE DEPARTMENT EXPENSES THROUGH THE
11 2020 BUDGET PERIOD.

12 MR. GAUGHAN: At this time I'll
13 entertain a motion that Item 5-C be introduced
14 into its proper committee.

15 MR. DONAHUE: So moved.

16 DR. ROTHCHILD: Second.

17 MR. GAUGHAN: On the question? All
18 those in favor signify by saying aye.

19 MR. SCHUSTER: Aye.

20 MR. MCANDREW: Aye.

21 MR. DONAHUE: Aye.

22 DR. ROTHCHILD: Aye.

23 MR. GAUGHAN: Aye. Opposed? The
24 ayes have it and so moved.

25 MS. REED: 5-D. FOR INTRODUCTION -

1 A RESOLUTION – AUTHORIZING THE MAYOR AND
2 OTHER APPROPRIATE CITY OFFICIALS FOR THE CITY
3 OF SCRANTON TO EXECUTE AND ENTER INTO AN
4 AGREEMENT WITH MKSD ARCHITECTS TO PERFORM THE
5 NAY AUG POOL COMPLEX FEASIBILITY STUDY.
6 (EMERGENCY CERTIFICATE ATTACHED).

7 MR. GAUGHAN: At this time I'll
8 entertain a motion that Item 5-D be introduced
9 into its proper committee.

10 MR. DONAHUE: So moved.

11 MR. SCHUSTER: Second.

12 MR. GAUGHAN: On the question?

13 MR. DONAHUE: On the question, you
14 know, a lot of the grants that we need to apply
15 for we need to have some of the legwork done at
16 the front end. And this is just a situation of
17 that.

18 Unfortunately, given the timeline, I
19 don't, you know, I don't foresee the Nay Aug
20 pool opening this summer. But at least we're
21 getting to work, you know, to fix that issue
22 because it's not only the liner that are
23 issues. I believe -- I think talking to Bob
24 Gattens from Rec Authority there are some
25 subsurface issues there too.

1 MR. GAUGHAN: Thank you. Anyone
2 else on the question?

3 DR. ROTHCHILD: Yes, on the
4 question, I'll be voting in favor of the
5 introduction of this legislation and the
6 emergency certificate that's attached. You
7 know, it's the Nay Aug Pool is very important
8 to the City.

9 And we want to do everything we can
10 to get it repaired and get it ready for the
11 summer in order for it to open. And the
12 contract that was attached was very
13 comprehensive and I believe was in agreement
14 with everything that we were requesting to be
15 assessed in the study.

16 So I'm interested in seeing the
17 results of it, what their findings are, and
18 what we need to do to get the pool in order.

19 MR. GAUGHAN: Thank you. Anyone
20 else? Just a couple comments, number one, as I
21 mentioned in the caucus, Nay Aug Park and Nay
22 Aug Pool Complex is one of our major assets.
23 It's really the jewel of the City.

24 And it all started back in the early
25 2000s with Mayor Doherty's administration

1 really reviving the park and reviving the pool
2 complex, putting the slide in. And we really
3 saw the rebirth of not only the park but of
4 that area of the Hill Section.

5 Over the years that park has been
6 extremely popular. It's used. There's tens of
7 thousands of people that use it whether they
8 walk, run on the trail, use the pool complex
9 and other amenities up there.

10 The Recreation Authority Board has
11 done a phenomenal job the last few years in
12 really keeping the park up where it should be
13 along with the Parks and Recreation Department.
14 Unfortunately, like everything else, over time
15 pools age. There are maintenance issues and
16 there are costs that come with operating a
17 large pool complex like that.

18 So I think that the Recreation
19 Authority and the City administration wanting
20 to complete this feasibility study makes a lot
21 of sense. It's not just looking at how do we
22 fix this pool so that it's open for the summer
23 which I still think that is a possibility and I
24 want to see that happen.

25 I think it needs to happen. But

1 it's looking at an operational assessment, a
2 facility analysis, a financial and pool
3 management analysis, a layout design and it's
4 developing a capital financing program moving
5 forward.

6 And the company that they chose has
7 done this successfully in a lot of other areas
8 throughout the State of Pennsylvania. And
9 they've been highly, highly successful. So I'm
10 sure that that will happen here. This will be
11 good for the City moving forward so that we
12 have a plan.

13 Any time you -- and I learned this
14 from Tom McLane who is doing our parks analysis
15 now throughout the City. Any time you have a
16 comprehensive plan like this, it's easier for
17 you to get grants whether it be from the DCNR,
18 whether it be through any organization
19 throughout the state and throughout the
20 country.

21 So I think that this is really,
22 really, really important. I did ask Eileen
23 Cipriani the OECD Director a few questions
24 about this. And she did get back to me, which
25 I appreciate. And my first question was when

1 they will award this grant.

2 So once this analysis is done, the
3 City is going to apply. The deadline to apply
4 is I think April 12th or April 15th. Yeah,
5 it's April -- let's see, April 15th, 2021. So
6 the City will apply for this grant. They're
7 not sure when it's going to be awarded.

8 Typically they would announce in the
9 fall. But if the feasibility study shows that
10 they can repair and open the pool safely, then
11 they also have a \$62,000 LSA grant. And DCED
12 will entertain a proposal from the City to use
13 HRA loans proceeds for -- towards a community
14 development project, in this case repairing the
15 pool.

16 And that's according to Eileen
17 Cipriani. So I do think the prospects of
18 opening the pool this summer are still there.
19 And I think it would be an absolute shame if it
20 wasn't. And I do have to say I was
21 disappointed that -- because I've been bringing
22 this up now for months and months and months.

23 We knew that the pool was in bad
24 condition, you know, a long time ago. And I
25 was disappointed that it took this long to get

1 some action and the City administration took so
2 long. But here we are. And I do think now
3 that this plan is good moving forward.

4 So depending on -- according to Mrs.
5 Cipriani, depending on what the study shows,
6 that would let us -- let the City know if they
7 could afford the repair and if they could begin
8 the repair in 2021.

9 The grant application to DCNR would
10 be to implement the outcome of the study for
11 the entire complex. So if funded, it would be
12 for construction in 2022 because they have to
13 address the larger pool site, not just the
14 pool. There's other issues outside of just
15 making sure that the pool gets open.

16 So it will be, you know, would not
17 be good for May Aug, would not be good for the
18 City if they missed out on this grant
19 opportunity. So, you know, usually I'm a
20 little weary of emergency certificates like
21 this because I would like to be able to have
22 the opportunity and ability to flush things out
23 over a two or three week period as we normally
24 do.

25 But in this case, it's important

1 for the pool -- of getting the pool open. It's
2 important for the park. And I'll be voting
3 yes. Anyone else on the question? All those
4 in favor of introduction signify by saying aye.

5 MR. SCHUSTER: Aye.

6 MR. MCANDREW: Aye.

7 MR. DONAHUE: Aye.

8 DR. ROTHCHILD: Aye.

9 MR. GAUGHAN: Aye. Opposed? The
10 ayes have it and so moved.

11 MR. DONAHUE: I make a motion to
12 suspend the rules to move Item 5-D to Seventh
13 Order based on the attached emergency
14 certificate.

15 MR. SCHUSTER: Second.

16 MR. GAUGHAN: There's a motion on
17 the floor and a second to move Item 5-D to
18 Seventh Order. On the question? All those in
19 favor of introduction signify by saying aye.

20 MR. SCHUSTER: Aye.

21 MR. MCANDREW: Aye.

22 MR. DONAHUE: Aye.

23 DR. ROTHCHILD: Aye.

24 MR. GAUGHAN: Aye. Opposed? The
25 ayes have it and so moved.

1 MS. REED: 5-E. FOR INTRODUCTION -
2 A RESOLUTION - AUTHORIZING THE MAYOR AND
3 OTHER OFFICIALS OF THE CITY OF SCRANTON TO
4 ENTER INTO A SETTLEMENT AGREEMENT WITH CRISTIAN
5 GARCIA TORRES.

6 MR. GAUGHAN: At this time I'll
7 entertain a motion that Item 5-E be introduced
8 into its proper committee.

9 MR. DONAHUE: So moved.

10 DR. ROTHCHILD: Second.

11 MR. GAUGHAN: On the question? All
12 those in favor signify by saying aye.

13 MR. SCHUSTER: Aye.

14 MR. MCANDREW: Aye.

15 MR. DONAHUE: Aye.

16 DR. ROTHCHILD: Aye.

17 MR. GAUGHAN: Aye. Opposed? The
18 ayes have it and so moved.

19 MS. REED: 5-F. FOR INTRODUCTION -
20 A RESOLUTION - AUTHORIZING THE MAYOR AND
21 OTHER APPROPRIATE CITY OFFICIALS FOR THE CITY
22 OF SCRANTON TO EXECUTE AND ENTER INTO AN
23 AGREEMENT WITH BARRY ISETT & ASSOCIATES, INC.
24 TO PERFORM ENGINEERING SERVICES FOR THE OFFICE
25 OF ECONOMIC AND COMMUNITY DEVELOPMENT.

1 MR. GAUGHAN: At this time I'll
2 entertain a motion that Item 5-F be introduced
3 into its proper committee.

4 MR. DONAHUE: So moved.

5 DR. ROTHCHILD: Second.

6 MR. GAUGHAN: On the question? On
7 the question, I discussed this in caucus. But
8 I do have several questions that I'd like
9 answered before we entertain passing this next
10 week since final passage will be next Tuesday.

11 It's my understanding as I mentioned
12 earlier that historically in that office,
13 project management came from the deputy
14 director and maybe one other position in that
15 office. So basically as far as I could tell,
16 this legislation is hiring -- or farming out
17 project management to a company that we're
18 going have to pay a little bit over \$60,000 to.

19 It's my belief based on what I
20 experienced over the last few years in dealing
21 with OECD, that we shouldn't have to bid that
22 out unless there's some good explanation that
23 comes down from OECD. Again, historically
24 that's always been done by the deputy director
25 and/or another position in that office.

1 The way this is worded is a little
2 confusing because it seems like you're getting
3 engineering services. Now, I could be wrong,
4 but the way that I'm reading this, we're
5 getting a project manager. We're still -- the
6 OECD and the City is still going to have to bid
7 out for engineering services.

8 So again, my -- a simple explanation
9 of why this cannot be done inhouse when
10 historically it's been done inhouse. I also
11 wanted to ask for a description of what line
12 item this funding is coming out of. They do
13 state in the narrative that the funding source
14 is CDBG funding.

15 I just want to make sure that is
16 coming out of the administrative part of the
17 budget, you know, what line item is that coming
18 out of. And I also wanted a list of all the
19 other bidders and the prices -- the bids on the
20 project. So I just don't want us to spend more
21 money than we have to.

22 If we're paying people in OECD
23 already that had done it in the past, we should
24 be doing that moving forward unless there's a
25 good reason that they're making the switch.

1 Anyone else on the question? All those in
2 favor of introduction signify by saying aye.

3 MR. SCHUSTER: Aye.

4 MR. MCANDREW: Aye.

5 MR. DONAHUE: Aye.

6 DR. ROTHCHILD: Aye.

7 MR. GAUGHAN: Aye. Opposed? The
8 eyes have it and so moved.

9 MS. REED: SIXTH ORDER. 6-A.

10 READING BY TITLE - FILE OF THE
11 COUNCIL NO. 46, 2021 - AN ORDINANCE - AMENDING
12 FILE OF THE COUNCIL NO. 78, 2019, AN
13 ORDINANCE (AS AMENDED) ENTITLED "GENERAL CITY
14 OPERATING BUDGET 2020" BY TRANSFERRING
15 \$34,000.00 FROM ACCOUNT NO. 01.401.13090.4299
16 NON-DEPARTMENTAL EXPENDITURES TO CONTINGENCY
17 TO THE ACCOUNT NUMBERS LISTED BELOW TO PROVIDE
18 SUFFICIENT FUNDING FOR PAYMENT OF FINANCIAL
19 OBLIGATIONS THROUGH THE 2020 BUDGET PERIOD.

20 MR. GAUGHAN: You've heard reading
21 by title of Item 6-A. What is your pleasure?

22 MR. DONAHUE: I move that Item 6-A
23 pass reading by title.

24 MR. SCHUSTER: Second.

25 MR. GAUGHAN: On the question? All

1 those in favor signify by saying aye.

2 MR. SCHUSTER: Aye.

3 MR. MCANDREW: Aye.

4 MR. DONAHUE: Aye.

5 DR. ROTHCHILD: Aye.

6 MR. GAUGHAN: Aye. Opposed? The
7 ayes have it and so moved.

8 MS. REED: 6-B. READING BY TITLE -
9 FILE OF THE COUNCIL NO. 47, 2021 - AN
10 ORDINANCE - AMENDING FILE OF THE COUNCIL NO.
11 78, 2019, AN ORDINANCE (AS AMENDED) ENTITLED
12 "GENERAL CITY OPERATING BUDGET 2020" BY
13 TRANSFERRING \$4,280.00 FROM ACCOUNT NO.
14 01.051.00082.4448 DEPARTMENT OF LICENSE &
15 INSPECTIONS BUREAU OF BUILDINGS PAWC-WATER TO
16 ACCOUNT NO.01.401.10120.4299 (NON-DEPARTMENTAL)
17 ST CATS & DOGS TO PROVIDE SUFFICIENT FUNDING
18 FOR PAYMENT OF ST CATS & DOGS SPAY AND NEUTER
19 INVOICES THROUGH THE 2020 BUDGET PERIOD.

20 MR. GAUGHAN: You've heard reading
21 by title of Item 6-B. What is your pleasure?

22 MR. DONAHUE: I move that Item 6-B
23 pass reading by title.

24 MR. SCHUSTER: Second.

25 MR. GAUGHAN: On the question? All

1 those in favor signify by saying aye.

2 MR. SCHUSTER: Aye.

3 MR. MCANDREW: Aye.

4 MR. DONAHUE: Aye.

5 DR. ROTHCHILD: Aye.

6 MR. GAUGHAN: Aye. Opposed? The
7 ayes have it and so moved.

8 MS. REED: 6-C. READING BY TITLE -
9 FILE OF THE COUNCIL NO. 48, 2021 - AN
10 ORDINANCE - AMENDING FILE OF THE COUNCIL NO. 6,
11 2020, AS AMENDED BY FILE OF THE COUNCIL NO.59,
12 2019, ENTITLED "AN ORDINANCE AMENDING FILE OF
13 THE COUNCIL NO. 17, 1994 ENTITLED "AN ORDINANCE
14 (AS AMENDED) AUTHORIZING THE GOVERNING BODY OF
15 THE CITY OF SCRANTON TO ENACT A WASTE DISPOSAL
16 AND COLLECTION FEE FOR THE PURPOSE OF RAISING
17 REVENUE TO COVER THE WASTE DISPOSAL AND
18 COLLECTION COSTS INCURRED BY THE CITY OF
19 SCRANTON FOR THE DISPOSAL OF REFUSE", BY
20 IMPOSING A WASTE DISPOSAL AND COLLECTION FEE OF
21 \$300.00 FOR CALENDAR YEAR 2020 AND THE SAME
22 SHALL REMAIN IN FULL FORCE AND EFFECT ANNUALLY
23 THEREAFTER" TO PROVIDE AN EXTENSION OF THE
24 DEADLINE TO PAY 2020 REFUSE FEES UNTIL MARCH
25 31, 2021 DUE TO THE ECONOMIC HARDSHIPS CAUSED

1 BY THE COVID-19 PANDEMIC.

2 MR. GAUGHAN: You've heard reading
3 by title of Item 6-C. What is your pleasure?

4 MR. DONAHUE: I move that Item 6-C
5 pass reading by title.

6 MR. SCHUSTER: Second.

7 MR. GAUGHAN: On the question? All
8 those in favor signify by saying aye.

9 MR. SCHUSTER: Aye.

10 MR. MCANDREW: Aye.

11 MR. DONAHUE: Aye.

12 DR. ROTHCHILD: Aye.

13 MR. GAUGHAN: Aye. Opposed? The
14 ayes have it and so moved.

15 MS. REED: 6-D. READING BY TITLE -
16 FILE OF THE COUNCIL NO. 49, 2021 - AN
17 ORDINANCE - AMENDING FILE OF THE COUNCIL NO.
18 47, 2000, AN ORDINANCE, AS AMENDED BY FILE OF
19 THE COUNCIL NO. 8, 1999 ENTITLED "AN ORDINANCE
20 ESTABLISHING FEES TO BE IMPOSED FOR THE
21 ADMINISTRATION OF EMERGENCY SERVICES BY THE
22 CITY OF SCRANTON FIRE DEPARTMENT; AUTHORIZING
23 THE ADMINISTRATION AND ENFORCEMENT
24 OF SAID FEES; AND PRESCRIBING PENALTIES FOR
25 VIOLATIONS," BY UPDATING THE FEE SCHEDULE

1 CONTAINED IN SECTION 4 THEREOF.

2 MR. GAUGHAN: You've heard reading
3 by title of Item 6-D. What is your pleasure?

4 MR. DONAHUE: I move that Item 6-D
5 pass reading by title.

6 MR. SCHUSTER: Second.

7 MR. GAUGHAN: On the question? All
8 those in favor signify by saying aye.

9 MR. SCHUSTER: Aye.

10 MR. MCANDREW: Aye.

11 MR. DONAHUE: Aye.

12 DR. ROTHCHILD: Aye.

13 MR. GAUGHAN: Aye. Opposed? The
14 ayes have it and so moved.

15 MS. REED: SEVENTH ORDER. 7-A. FOR
16 CONSIDERATION BY THE COMMITTEE ON FINANCE - FOR
17 ADOPTION - FILE OF THE COUNCIL NO. 45, 2021 -
18 AMENDING FILE OF THE COUNCIL NO. 78, 2019, AN
19 ORDINANCE (AS AMENDED) ENTITLED "GENERAL CITY
20 OPERATING BUDGET 2020" BY TRANSFERRING
21 \$185,000.00 FROM ACCOUNT NO. 01.401.13090.4299
22 (NON-DEPARTMENTAL OPERATING EXPENSES -
23 CONTINGENCY) TO ACCOUNT NO. 01.060.00000.4201
24 (LAW DEPARTMENT PROFESSIONAL SERVICES) TO
25 PROVIDE FUNDING TO COVER VARIOUS

1 ATTORNEY FEES.

2 MR. GAUGHAN: What is the
3 recommendation of Chairperson for the Committee
4 on Finance?

5 MR. SCHUSTER: As Chairperson for
6 the Committee on Finance, I recommend 7-A for
7 final passage.

8 MR. DONAHUE: So moved.

9 MR. GAUGHAN: Oh, someone has to
10 second that.

11 MR. DONAHUE: Second.

12 MR. GAUGHAN: On the question? On
13 the question, Council did receive -- and I
14 requested last week or the week before a
15 breakdown of what constituted that -- the
16 \$185,000. So that will be in Third Order on
17 our agenda next week. Roll call, please.

18 MS. CARRERA: Mr. Schuster.

19 MR. SCHUSTER: Yes.

20 MS. CARRERA: Mr. McAndrew.

21 MR. MCANDREW: Yes.

22 MS. CARRERA: Dr. Rothchild.

23 DR. ROTHCHILD: Yes.

24 MS. CARRERA: Mr. Donahue.

25 MR. DONAHUE: Yes.

1 MS. CARRERA: Mr. Gaughan.

2 MR. GAUGHAN: Yes. I hereby declare
3 Item 7-A legally and lawfully adopted.

4 MS. REED: 7-B FORMALLY 5-D. FOR
5 CONSIDERATION BY THE COMMITTEE ON COMMUNITY
6 DEVELOPMENT FOR ADOPTION - RESOLUTION NO. 113
7 2021 - AUTHORIZING THE MAYOR AND OTHER
8 APPROPRIATE CITY OFFICIALS FOR THE CITY OF
9 SCRANTON TO EXECUTE AND ENTER INTO AN AGREEMENT
10 WITH MKSD ARCHITECTS TO PERFORM THE NAY AUG
11 POOL COMPLEX FEASIBILITY STUDY. (EMERGENCY
12 CERTIFICATE ATTACHED).

13 MR. GAUGHAN: What is the
14 recommendation of Chairperson for the Committee
15 on Community Development?

16 DR. ROTHCHILD: As Chair for the
17 Committee on Community Development, I recommend
18 final passage of Item 7-B.

19 MR. SCHUSTER: Second.

20 MR. DONAHUE: Second.

21 MR. GAUGHAN: On the question? On
22 the question, I just want to add -- wanted to
23 add one more thing about this. So the total
24 cost of this study or this analysis is \$61,800.
25 And just for the record, that cost is going to

1 be split between the City and the Recreation
2 Authority.

3 And I believe the Recreation
4 Authority is voting on that to allow that at
5 some point in the next few days or the next
6 week or two. Anyone else on the question?
7 Roll call, please.

8 MS. CARRERA: Mr. Schuster.

9 MR. SCHUSTER: Yes.

10 MS. CARRERA: Mr. McAndrew.

11 MR. MCANDREW: Yes.

12 MS. CARRERA: Dr. Rothchild.

13 DR. ROTHCHILD: Yes.

14 MS. CARRERA: Mr. Donahue.

15 MR. DONAHUE: Yes.

16 MS. CARRERA: Mr. Gaughan.

17 MR. GAUGHAN: Yes. I hereby declare
18 Item 7-B legally and lawfully adopted.

19 MS. REED: EIGHTH ORDER. Old
20 Business. Nothing at this time.

21 MR. GAUGHAN: If there's no further
22 business, I'll entertain a motion to adjourn.

23 DR. ROTHCHILD: Motion to adjourn.

24 MR. DONAHUE: Motion to adjourn.

25 MR. GAUGHAN: This meeting is

adjourned. Thanks everyone. Have a nice week
and stay safe. See you next week.

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me of the above-cause and that this copy is a correct transcript of the same to the best of my ability.

Maria McCool, RPR
Official Court Reporter

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